



Board of Funeral Service

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OFFICIAL BOARD MINUTES

May 2, 2018

Best Western Plus Ramkota Hotel, Sioux Falls, SD

Members Present: Stuart W. Barns, President
D. Scott Isburg, Vice-President
Randy Brennick, Secretary-Treasurer
Chad Osthus, Member
James Jones, Member
David Volk, Lay Member
Tony Farnen, Lay Member
Mariah Pokorny, Dept of Health (Non-voting member)

Members Absent: None

Others Present: Jill Lesselyoung, Executive Assistant
John Strohmman, Office of the Attorney General
Howard Sogn

President Barns called the meeting to order at 1:01 PM CDT.

Corrections or additions to the agenda: None

ICFSEB Annual Meeting Update-Strohmman: Strohmman updated the Board on the annual conference. He advised they covered multiple licensing and legal issues as well as profession specific issues. He advised it was very worthwhile and he would like to continue to attend in the future.

Update on Applicant for Licensure #2017-1: Strohmman advised since the applicant did not appeal within the specified time period, the matter is closed.

Election of officers: Isburg moved and Osthus seconded to retain the current slate of officers with Barns as President, Isburg as Vice-President and Brennick as Secretary/ Treasurer. Motion carried by unanimous roll call vote.

Approval of Minutes from January 17, 2018, March 21, 2018: Volk moved and Isburg seconded to approve the minutes from January 17, 2018 and March 21, 2018. Motion carried by unanimous vote.

**South Dakota Board of Funeral Service
Board Meeting Minutes-May 2, 2018**

FY Financial Update: Lesselyoung reported fiscal year-end figures as of June 29, 2017: revenue of \$71,847.06, expenditures of \$67,651.85 and cash balance of \$117,878.97 and year to date figures as of March 31, 2018: revenue of \$70,574.10, expenditures of \$52,699.30 and cash balance of \$135,753.77. The Board reviewed the financials. Volk moved and Isburg seconded to approve as presented.

Renewal Update: The Board reviewed the rosters of current embalmers, homes and crematories as well as the roster of non-renewals. Brennick questioned the possibility of having a separate level of licensure equivalent to the previous funeral director license the Board had discussed at a previous meeting. Strohmman advised this is an issue that would need to go before the Funeral Directors Association and not the Board. The Board's role is regulation of health, safety and protection of the public. Osthus advised it would be discussed at the current association meeting.

Update on Establishment/Crematory Inspections: Sogn was present to discuss with the Board his procedure and timeline for inspections for calendar year 2018. Strohmman advised it would be necessary for a Board member to inspect the facilities in Watertown so there would not be a potential conflict of interest for Sogn.

Funeral Director Filing Times: Pokorny updated the Board on the filing times for fact of death. She advised there have been some delays with compliance. She questioned if the state licensing examination had questions relevant to the filing time laws. She will review the current tests and advise the Board office of any requested changes. The Board office will work with Pokorny to facilitate updates on new licensees.

Complaints/Investigations: Barns advised the Board had received three complaints in the last year that were not within the Board's jurisdiction. There are no complaints pending.

SD Funeral Directors Association Contract: The Board discussed the current contract amount for the technical speaker. Strohmman reminded the Board's role is not to make a general donation but to sponsor a speaker for a regulatory issue. Isburg moved and Jones seconded to renew the contract for the technical speaker for \$1500.00 for FY 19. Motion carried by unanimous vote.

Schedule Next Meeting: The next meeting is scheduled by teleconference for September 20, 2018 at 3:00CT, 2:00MT.

Any Other Business: There was no other business.

Volk moved and Farnen seconded to adjourn the meeting at 2:03 PM CDT. Motion carried by unanimous vote.

Respectfully submitted,

Randy Brennick
Secretary/Treasurer

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South Dakota Board of Funeral Service
Board Meeting Minutes-May 2, 2018

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

BA0225R5 06/30/2018

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 06/29/2018

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AGENCY	09	HEALTH				
BUDGET UNIT	09204	BOARD OF FUNERAL SERVICE				
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503					
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS					
092040061812	6503	4293955	FUNERAL LICENSE FEE	300.00	70,190.00	
ACCT: 4293		BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		300.00	70,190.00	*
ACCT: 42		LICENSES, PERMITS & FEES		300.00	70,190.00	**
092040061812	6503	4920045	NONOPERATING REVENUES	.00	1,484.10	
ACCT: 4920		NONOPERATING REVENUE		.00	1,484.10	*
ACCT: 49		OTHER REVENUE		.00	1,484.10	**
CNTR: 092040061812				300.00	71,674.10	***
CNTR: 092040061				300.00	71,674.10	****
CNTR: 0920400				300.00	71,674.10	*****
COMP: 6503				300.00	71,674.10	*****
B UNIT: 09204				300.00	71,674.10	*****

BA0215V1 06/30/2018

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 06/29/2018

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AGENCY BUDGET UNIT CENTER-5	09 09204 09204	HEALTH BOARD OF FUNERAL SERVICE BOARD OF FUNERAL SERVICE	COMP COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO 6503								
COMPANY NAME PROFESSIONAL & LICENSING BOARDS								
092040061812	6503	510102000000000000	P-T/TEMP EMP SAL & WAGES			.00	2,940.00	
092040061812	6503	510103000000000000	BOARD & COMM MERS FEES			.00	340.00	
ACCT: 5101								
EMPLOYEE SALARIES								
092040061812	6503	510201000000000000	CASI-EMPLOYER'S SHARE			.00	3,480.00	*
092040061812	6503	510208000000000000	WORKER'S COMPENSATION			.00	280.67	
092040061812	6503	510209000000000000	UNEMPLOYMENT COMPENSATION			.00	5.00	
							1.33	
ACCT: 5102								
EMPLOYEE BENEFITS								
092040061812	6503	520303000000000000	PERSONAL SERVICES			6.57	287.00	*
092040061812	6503	520310000000000000	AUTO-PRIV (IN-ST.) H/RTE			6.57	3,767.00	**
092040061812	6503	520314000000000000	LODGING/IN-STATE			832.44	2,210.46	
092040061812	6503	520315000000000000	TAXABLE MEALS/IN-STATE			62.50	140.80	
092040061812	6503	520316000000000000	NON-TAXABLE MEALS/IN-ST			86.00	189.00	
092040061812	6503	520328000000000000	AIR-COM-OUT-OF-STATE			32.00	107.00	
092040061812	6503	520330000000000000	OTHER-PUBLIC-OUT-OF-STATE			.00	568.79	
092040061812	6503	520332000000000000	LODGING/OUT-OF-STATE			.00	35.00	
092040061812	6503	520333000000000000	INCIDENTALS-OUT-OF-STATE			.00	555.12	
092040061812	6503	520335000000000000	NON-TAXABLE MEALS/OUT-ST			.00	25.00	
							142.00	
ACCT: 5203								
TRAVEL								
092040061812	6503	520402000000000000	DUES & MEMBERSHIP FEES			1,012.94	3,973.17	*
092040061812	6503	520409000000000000	MANAGEMENT CONSULTANT			.00	250.00	
092040061812	6503	520413000000000000	OTHER CONSULTING			855.35	5,802.06	
092040061812	6503	520416000000000000	WORKSHOP REGISTRATION FEE			1,381.94	5,645.82	
092040061812	6503	520418000000000000	COMPUTER SERVICES-STATE			.00	325.00	
092040061812	6503	520420000000000000	CENTRAL SERVICES			36.21	170.78	
092040061812	6503	520420400000000000	RECORDS MGMT SERVICES			.00	929.62	
092040061812	6503	520420700000000000	HUMAN RESOURCES SERVICES			.00	211.68	
092040061812	6503	520458000000000000	TRUCK-DRAYAGE & FREIGHT			145.90	348.95	
092040061812	6503	520459000000000000	INS PREMIUMS & SURETY BDS			.00	77.14	
							1,304.00	
ACCT: 5204								
CONTRACTUAL SERVICES								
092040061812	6503	520502000000000000	OFFICE SUPPLIES			2,419.40	65,065.05	*
092040061812	6503	520531000000000000	PRINTING-STATE			.00	40.68	
092040061812	6503	520532000000000000	PRINTING-COMMERCIAL			.00	141.12	
092040061812	6503	520535000000000000	POSTAGE			.00	50.81	
							19.06	
ACCT: 5205								
SUPPLIES & MATERIALS								
092040061812	6503	520535000000000000	OPERATING EXPENSES			3,432.34	251.67	*
ACCT: 52								
COMP: 6503 PROFESSIONAL & LICENSING BOARDS								
CENTER: 092040061812								
B UNIT: 09204								
						3,438.91	73,056.89	**
						3,438.91	73,056.89	****
							73,056.89	****

BA140981

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STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 06/29/2018

AGENCY: 09 HEALTH
BUDGET UNIT: 09204 BOARD OF FUNERAL SERVICE

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061812	1140000	116,496.18	DR	
COMPANY/SOURCE TOTAL 6503 618			116,496.18	DR *	BOARD OF FUNERAL SERVICES
COMP/BUDG UNIT TOTAL 6503 09204			116,496.18	DR **	
BUDGET UNIT TOTAL 09204			116,496.18	DR ***	

Jill Lesselyoung

To: prof
Subject: FW: Internship Paperwork

Good Afternoon,

My name is ___ and on June 1, 2002 I started my internship (Trainee Certification T-1074) and completed this on May 31, 2003. During my internship I worked 40 hours per week and finished the internship having completed over 2,320 hours with five funeral arrangements, 84 case reports completed and assisting with 103 funerals. In August 2003, I chose to return to school for nursing and completed my BSN in May of 2006. I have been full time in the nursing field until I started school in January 2018 through DMACC and working at Houseman Funeral Home located in Clear Lake, SD and Canby, MN. My expected graduation date is March 2019.

I look forward to working with you and your legal team to finalize my internship and prepare for my funeral directing role.

Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members

Purpose

The purpose of this code of conduct and conflict of interest policy ("Code") is to establish a set of minimum ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. With the exception of those under the purview of the Unified Judicial System, this Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter "Boards" and "Board member(s)"). A Board may add provisions to, or modify the provisions of, the Code. However, any change that constitutes a substantive omission from the Code must be approved by the State Board of Internal Control.

Conflict of Interest for Board Members

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

General Restrictions on Participation in Board Actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board's official actions are administrative, quasi-judicial or quasi-legislative.

A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasi-judicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member's interest or relationship creates a potential to influence the member's impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.

Administrative actions involve the day-to-day activities of the Board and include personnel, financing, contracting and other management actions. Most of the administrative official actions of a Board are done through the Board's administrative staff. To the extent Board members are involved, the conflict of interest concern most frequently arises in the area of state contracting which is addressed in more detail below. If issues arise that are not directly addressed by this Code, the Board member should consult with the attorney for the Board.

"Official action" means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

Contract Restrictions

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member's term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General's website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>.

Absent a waiver, certain Board members are further prohibited from deriving a direct benefit from a contract with an outside entity if the Board member had substantial involvement in recommending, awarding, or administering the contract or if the Board member supervised another state officer or employee who approved, awarded or administered the contract. With the exception of employment contracts, the foregoing prohibition applies for one year following the end of the Board member's term. However, the foregoing prohibition does not apply to Board members who serve without compensation or who are only paid a per diem. See SDCL 5-18A-17 to 5-18A-17.6. For more information on these restrictions see the Conflict of Interest Waiver Instructions and Form on the South Dakota Bureau of Human Resources website at: <http://bhr.sd.gov/forms/>.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may

contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member's own interests and contracts.

Consequences of Violations of Conflict of Interest Laws

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, 5-18A-17.4, and 22-30-46.

Retaliation for Reporting

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law. SDCL 3-16-9 & 3-16-10.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

Anti-Harassment/Discrimination Policy

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging, or touching;

- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.

The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

Confidential Information

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

Reporting of Violations

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.

This Code of Conduct and Conflict of Interest Policy was adopted by the State Board of Internal Control pursuant to SDCL § 1-56-6.

From: Dustin Wardlow <info@theconferenceonline.org>
Sent: Friday, July 27, 2018 9:34 AM
To: info@theconferenceonline.org
Subject: The Conference Update - July 2018



UPDATE

July 2018

Reminder: National Board Exam Fee Change

As a reminder, beginning August 1, 2018, the fee for the National Board Exam (NBE) Arts and Sciences will be \$285 for each section. The fee for the full NBE will be \$570. Examination fees have remained static since January 2014, and The Conference has absorbed the increase in administrative expense since that time. The fee change will not affect the pricing for the State Board Examination, or the Laws, Rules, and Regulations Examinations.

The 115th Annual Meeting of The Conference

The 115th Annual Meeting of The Conference will be held at The Dana on Mission Bay, February 27-28, 2019, in San Diego California. More information will be available soon including registration information and the meeting agenda. Please visit the [Annual Meeting page](#) on our website for more information.

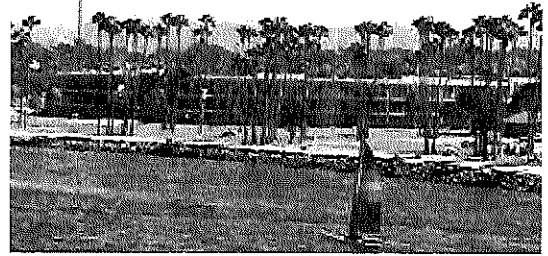
Annual Meeting Request For Presentation

The online 2019 Annual Meeting Request for Presentation submission process is now available! This is a great opportunity to attend the Annual Meeting and reduce costs for yourself, a board member, or fellow staff. The Conference is looking for regulation-driven presenters and sessions that will focus on the ongoing mission of public protection for the funeral service industry. Each presentation will be for a one-hour time slot on Wednesday, February 27, or Thursday, February 28, 2019.

Information Needed:

Presenter Bio
Session Title
Brief Session Outline/Description
Presenter Experience

Upcoming Events



115th Annual Meeting of The Conference
San Diego, CA
February 27-28, 2019

Upcoming 2018 Jurisdiction Board Meetings – Tentative

Alabama – 10/15
Arizona – 8/21, 9/18, 10/16, 11/20, 12/18
Connecticut – 9/18, 12/6
Delaware – 9/25, 11/27
District of Columbia – 8/2, 9/6, 10/4, 11/1, 12/6
Florida – 8/2, 9/6, 10/4, 11/1, 12/6
Georgia – 8/7, 9/11, 10/9, 11/13, 12/11
Indiana – 8/2, 10/4, 12/6
Iowa – 8/6, 12/6
Kentucky – 8/14, 9/18, 10/9, 11/6, 10/9, 11/6, 12/11
Louisiana – 8/7, 9/11, 10/9, 12/4
Massachusetts – 8/21, 9/18, 10/16, 11/20, 12/18
Michigan – 10/3
Minnesota – 8/21, 11/6
Mississippi – 10/8
Nebraska – 10/25
Nevada – 9/18, 11/13
New Hampshire – 8/8, 9/12, 10/10, 11/14, 12/12

If Selected, presenters must agree to send a copy of the finalized presentation with any corresponding handouts 30 days prior to the event. Presenters will receive a complimentary registration to the Annual Meeting and a complimentary hotel night at The Dana on Mission Bay. For Any questions, please contact Lauren Thomas at services@theconferenceonline.org. Selected presenters will be notified in October 2018.

More information including the speaker information form can be [found here](#).

Submissions are due **no later than September 1, 2018**.

Fall 2018 Scholarship Program Opens July 30, 2018

The Fall 2018 National Board Exam Scholarship will open to applicants on July 30, 2018! As a reminder, The Conference Board of Directors draws five names in the spring and fall of each year, awarding ten scholarships in total each year. Recipients will receive one complimentary NBE registration (a \$570 value), which can be used up to one year from the selection date. Your help spreading the word to your upcoming graduates would be greatly appreciated (anyone who will be eligible to take the NBE before September 18, 2019).

To enter, candidates will submit a brief essay through The Conference's website (link provided below). The entry period will remain open through September 3, 2018 with the drawing taking place on September 18, 2018. Only those candidates who meet all the requirements will be entered into the drawing. Any candidate that will be eligible to sit for the NBE during that timeframe may enter, limit one entry per candidate. The winners will be notified via email following the meeting.

For full details, please [visit the NBE Scholarship Entry Form](#) on The Conference's website. We also welcome you to share this information with your students.

For news and announcements, please visit www.theconferenceonline.org.

New Jersey – 8/7, 10/2, 10/30, 12/4
North Carolina – 8/8, 9/12, 10/10, 11/14, 12/12
Ohio – 8/22, 9/26, 10/24, 11/28, 12/19
Oklahoma – 8/9, 9/13, 10/11, 11/8, 12/13
Oregon – 9/18, 10/9, 12/11
Pennsylvania – 8/15, 10/14, 11/7, 12/19
South Carolina – 8/22, 9/13, 10/3, 12/5
Tennessee – 8/14, 9/11, 10/9, 11/13, 12/11
Texas – 9/11, 12/11
Vermont – 9/11, 11/13
Virginia – 8/7, 11/16
Washington – 8/7, 11/6
Wisconsin – 11/27
Saskatchewan – 9/13, 10/11, 11/29, 12/13

[To submit meeting dates, email info@theconferenceonline.org.](#)

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[ATP](#)

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